

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 14, 2005**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Future Land Use Map Amendment – Employment 2 to Medium Density Residential Rezoning – I-2, Light Industrial District to R-4, Medium-High Density Residential District Enterprise Drive & Norfolk Southern Railroad, Valuation Map # 251-01-001

RECOMMENDATION: Approval of the requested Future Land Use Map Amendment and Rezoning petition.

SUMMARY: B&A Properties, LLC is petitioning to amend the Future Land Use Map for property off Enterprise Drive and adjacent to Norfolk Southern Railroad also known as Valuation Map # 251-01-001 from Employment 2 to Medium Density Residential and for a rezoning of approximately 3.3 acres from I-2, Light Industrial District to R-4, Medium-High Density Residential District to allow the construction of a twenty-four (24) unit apartment complex. The Planning Commission recommended approval of the Future Land Use Map amendment and rezoning because:

- Adjacent land uses indicated on the Future Land Use Map are a combination of low density residential and the Wyndhurst Mixed Use development.
- Property is not suitable for employment uses due to its location adjacent to existing residential uses and accessibility.

PRIOR ACTION(S):

April 27, 2005: Planning Division recommended approval of the Future Land Use Map Amendment. Planning Commission recommended approval (4-0) of the Future Land Use Map Amendment. (Commissioners Pulliam, Worthington and Barnes were absent).

Planning Division recommended approval of the Rezoning petition.
Planning Commission recommended approval (4-0) of the rezoning petition.
(Commissioners Pulliam, Worthington and Barnes were absent).

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902
Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinances
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Narrative
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED BETWEEN LAKESIDE DRIVE, ENTERPRISE DRIVE AND NORFOLK AND SOUTHERN RAILROAD, ALSO KNOWN AS VALUATION NO. 251-01-001, FROM EMPLOYMENT 2 TO MEDIUM DENSITY RESIDENTIAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Amend the Future Land Use Map for the subject property located between Lakeside Drive, Enterprise Drive and Norfolk and Southern Railroad, also known as Valuation No. 251-01-001, from Employment 2 to Medium Density Residential.

The area embraced within the following boundaries . . .

Beginning at a point on the northern right of way line of the Norfolk Southern Railway at its point of intersection with the boundary line between Bedford County and the City of Lynchburg, thence with said boundary line N 32° 28' and 28" E 766.57 feet, thence leaving the city county line and with the property of Hagy S 30° 40' 05" E 371.62 feet, thence with said railroad right of way S 65° 18' 14" W 32.00 feet, thence S 47° 12' 08" W 158.11 feet, thence S 65° 38' 14" W 500.58 feet to the point of beginning and containing 3.19 acres more or less.

. . . is hereby amended on the Future Land Use Map from Employment 2 to Medium Density Residential and the Director of Community Planning and Development shall forthwith cause the Future Land Use Map referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

077L

ORDINANCE

AN ORDINANCE CHANGING THE PROPERTY LOCATED BETWEEN LAKESIDE DRIVE, ENTERPRISE DRIVE AND NORFOLK AND SOUTHERN RAILROAD, ALSO KNOWN AS VALUATION NO. 251-01-001, FROM I-2, LIGHT INDUSTRIAL DISTRICT, TO R-4, MEDIUM HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change the property located between Lakeside Drive, Enterprise Drive and Norfolk and Southern Railroad, also known as Valuation No. 251-01-001, from I-2, Light Industrial District, to R-4, Medium High Density Multi-Family Residential District.

The area embraced within the following boundaries

Beginning at a point on the northern right of way of the Norfolk Southern Railway at its point of intersection with the boundary line between Bedford County and the City of Lynchburg, thence with said boundary line N 32° 28' and 28" E 766.57 feet, thence leaving the city county line and with the property of Hagy S 30° 40' 05" E 371.62 feet, thence with said railroad right of way S 65° 18' 14" W 32.00 feet, thence S 47° 12' 08" W 158.11 feet, thence S 65° 38' 14" W 500.58 feet to the point of beginning and containing 3.19 acres more or less.

. . . is hereby changed from I-2, Light Industrial District to R-4, Medium-High Density, Multi-Family Residential District.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

077L

The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission

From: Planning Division

Date: April 27, 2005

Re: **FUTURE LAND USE MAP AMENDMENT: Employment 2 to Medium Density Residential for property between Lakeside Drive, Enterprise Drive and Norfolk & Southern Railroad also known as Valuation Number 251-01-001.**

REZONING: I-2, Light Industrial District to R-4, Medium-High Density Multi-Family Residential District for property between Lakeside Drive, Enterprise Drive and Norfolk & Southern Railroad also known as Valuation Number 251-01-001.

I. PETITIONER

B&A Properties, LLC, 1353 Thompson Lane Forest, VA 24551

Representative: Doyle Allen, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg VA 24501

II. LOCATION

The subject property is approximately 3.19 acres and is located between Lakeside Drive, Enterprise Drive and Norfolk & Southern Railroad, also known as Valuation Number 251-01-001.

Property Owners: B&A Properties, LLC, 1353 Thompson Lane Forest, VA 24551

III. PURPOSE

The purpose of this petition is to allow for the construction of three (3) apartment buildings containing a total of twenty four (24) units.

IV. SUMMARY

- Petition proposes to change the Future Land Use Map designation for this area from Employment 2 to Medium Density Residential land use. Adjacent land uses as designated on the Future Land Use Map include a combination of low density residential, Wyndhurst Mixed Land Use Development, and industrial properties.
- Petition agrees with the Zoning Ordinance in that apartments are permitted "by right" in an R-4, Medium-High Density Multi-Family Residential District.
- Petition(s) proposes to amend the Future Land Use Map and rezone the subject property for the construction of three (3) apartment buildings containing a total of twenty four (24) units.

The Planning Division recommends approval of the Future Land Use Map amendment and the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Employment 2 development in this area. These areas include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. The petitioner proposes to amend the Future Land Use map to Medium Density Residential for the subject property. Medium density residential is characterized by small-lot single family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre; the site plan, as proposed, provides for a density of seven and one-half (7.5) units per acre. The plan also recommends that where neighborhoods already exist, infill development should be at a compatible density and housing type. Existing land uses within the area include multi-family apartments (previous phases of Homestead Gardens in Bedford County), vacant commercial (currently forested), industrial and undisturbed forested area owned. The City's Director of Economic Development is in agreement with the rezoning since the property can only be accessed through the existing apartments in Bedford County and the creek,

sewer, and equalization basin provide a good break between the proposed apartments and the adjacent industrial site.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing I-2, Light Industrial District zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 7/8/2003: City Council approved Jamerson and Company's CUP petition to amend the Wyndhurst Traditional Neighborhood Development Plan to allow for construction of apartments and additional single family uses off Wyndhurst Drive and 1536 Lockwood Drive.
 - 5/9/2000: City Council approved LIDA, The Summit and J.E. Jamerson and Son's CUP petition to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
 - 5/9/2000: City Council approved The Summit and J.E. Jamerson and Son's petition to rezone one hundred forty three (143) acres on both sides of Enterprise Drive between Laxton Road and Norfolk & Southern Railroad to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
 - 7/14/1998: City Council approved J.E. Jamerson and Son's CUP petition to create a Wyndhurst Traditional Neighborhood Development at Laxton Road and Enterprise Drive.
 - 7/14/1998: City Council approved J.E. Jamerson and Son's CUP petition for the construction of a dam and a lake within the 100-year floodplain at Laxton Road and Enterprise Drive.
 - 4/8/1997: City Council approved J.E. Jamerson and Son's petition to rezone four hundred (400) acres from R-1 to R-2(c), R-4(c), B-1(c), B-3(c), and I-2(c) to allow single-family residential, townhouse, apartment, nursing home/assisted living/retirement village complex, various commercial uses and an industrial park.
 - 6/8/1993: City Council approved Timberlake Dixie Youth Athletic Association's CUP petition to amend its master plan to allow installation and usage of lights on three existing fields at 311 Beverly Hills Circle.
 - 5/14/1991: City Council approved Timberlake Dixie Youth Athletic Association's CUP petition to amend its master plan to allow for additional ball fields, parking and concessions at 311 Beverly Hills Circle.
5. **Site Description.** The subject property lies on the border of Bedford County and is currently about fifty percent (50%) forested. An unnamed tributary of Tomahawk Creek forms the eastern border of the property. The property is located in flood zone C and does not lie within the limits of the 100-year floodplain. The property is bounded to the north and west by multi-family apartments in Bedford County (previous phases of Homestead Gardens) and to the east in Lynchburg by a vacant commercial (currently forested) parcel of Wyndhurst. An undisturbed forested area owned by Jefferson's Poplar Forest lies on the other side of the railroad tracks to the south.
6. **Proposed Use of Property.** Homestead Gardens is an apartment complex in Bedford County that is currently comprised of approximately ten buildings; the existing zoning and use of the complex is multifamily in the county. The purpose of the Future Land Use Map Amendment and the rezoning is to change the I-2 zoning to R-4 to allow for the construction of a three (3) building, twenty four (24) unit apartment complex which would serve as Phase 4 and complete the existing Homestead Gardens complex. Access to the project is by Homestead Garden Court, a private street that connects to Homestead Drive (Route 661) and via Rolling Ridge Drive (Route 1442), both of which lie in Bedford County. Water and sewer will be provided by Bedford County Utility Service Authority through extension of the existing lines within the complex.
7. **Traffic and Parking.** The City's Traffic Engineer had noted that the petitioner will need to have a letter from VDOT Resident Engineer of Bedford County saying that they approve the additional traffic at the

intersection of the Homestead Gardens private drive and Homestead Drive. The VDOT Resident Engineer has since submitted a letter approving the additional traffic at the intersection.

Parking requirements for the proposed development are set at two and one half (2.5) spaces per unit by the City's Zoning Ordinance. The site plan indicates that sixty three (63) parking spaces will be provided for the apartments; sixty (60) spaces are required to meet City Code.

8. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of an existing stormwater detention basin. The existing basin will be enlarged, if necessary, to handle the increase in runoff water from the project. A preliminary analysis of the downstream receiving channel below the management basin was found to be adequate after attenuation of the flow by the basin. The petitioner proposes to address water quality through the use of a "snout" inlet filter in the drop inlet structure immediately upgrade from the basin. The "Snout" filter is a hooded catch basin discharge device that traps oils and floatable trash/sediment within the inlet. The inlet must be periodically cleaned out by a standard vacuum truck to prevent release of pollutants or clogging of the storm sewer system.
9. **Impact.** The development of the twenty four (24) unit townhome community and associated parking will have limited impacts on the surrounding neighborhood however, no information has been provided about the design or building materials.

Traffic access to the site is currently from Bedford County. The City's Traffic Engineer had noted that the petitioner would need to have a letter from VDOT Resident Engineer of Bedford County saying that they approve the additional traffic at the intersection of the Homestead Gardens private drive and Homestead Drive. The VDOT Resident Engineer has since submitted a letter approving the additional traffic at the intersection. The City's Traffic Engineer had no additional comments of concern regarding traffic from the proposed development. Parking requirements have been sufficiently met for the project.

The project proposes to use an existing above ground detention facility that is partially located in Bedford County. Section 16.2-22 of the City's Stormwater ordinance encourages the use of regional detention ponds wherever possible for residential and commercial subdivisions. When a pond is deemed appropriate for a development, the pond should be shared by a number of phases of a project.

The petitioner proposes to use "a snout" inlet filter for water quality. Although this filter provides a hydrocarbon and floatable removal capacity if it is properly maintained, the primary application of this measure is generally reserved for smaller scale projects. The City's Environmental Planner recommends that the petitioner use bioretention measures within the landscape islands (or similar low-impact design measures) in conjunction with "the snout" to reduce the size of the manhole structure and to provide a low-maintenance pollutant removal option for the intensive residential use of the complex.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 22, 2005. The initial site plan showed a building crossing the City/County boundary line which is not currently permitted by the City's Zoning Ordinance. The petitioner stated at the meeting that he would relocate the building and the site plan was revised accordingly. All other comments related to the proposed plan use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTIONS:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of B&A Properties' petition to amend the Future Land Use Map for property between Lakeside Drive, Enterprise Drive and Norfolk & Southern Railroad also known as Valuation Number 251-01-001 from Employment 2 to Medium Density Residential.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of B&A Properties' petition for a rezoning of I-2, Light Industrial District to R-4, Medium-High Density Multi-Family Residential District for property between Lakeside Drive, Enterprise Drive and Norfolk & Southern Railroad also known as Valuation Number 251-01-001 from Employment 2 to Medium Density Residential.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Senior Planner
Ms. Erin Bryant, Environmental Planner
Mr. Joe Gantt, Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

4. Project Narrative

Minutes from the April 27 Planning Commission meeting

Petition of B & A properties, LLC to amend the Future Land Use Map for property between Lakeside Drive, Enterprise Drive and the Norfolk Southern Railroad also know as Valuation Number 251-01-001 from Employment 2 to Medium Density Residential and for a rezoning of approximately 3.3 acres from I-2, Light Industrial District to R-4, Multi-Family Residential District to allow the construction of apartments / town homes.

Mr. Martin explained that the petition did propose Future Land Use Map (FLUM) amendments and a rezoning of the property to allow the construction of a twenty-four (24) unit apartment complex. He said the access to the property would be through an existing apartment complex in Bedford County, and added that the Bedford County Virginia Department of Transportation Resident Engineer had no concerns with any increase in traffic of the proposed project. Mr. Martin said stormwater management would be handled through existing stormwater detention basins. He explained that the City's Economic Development Office had no concerns with the proposed rezoning or FLUM amendment in loosing the industrially zoned land, due to the location and accessibility of the property. He said there would be two separate motions to move the petition forward; the first motion would be for the FLUM amendment from Employment 2 to Medium-Density Residential, and for a rezoning from I-2 to R-4. He added that the Planning Division did recommend approval of both the FLUM amendment and for the rezoning.

Mr. Doyle Allen, Hurt & Proffitt, Inc., represented the request. Mr. Allen explained that the site was situated on the City of Lynchburg/Bedford County line, and was accessed by Bateman Bridge Road, which was across from Coleman-Adams Construction Company. He added that this property was approximately 3.3 acres, and was a portion of a larger piece of property located in the City. He said this portion of the site was a triangular piece of land with access from an existing complex, so it would be unusable, and was impractical to use as an industrial site. Mr. Allen noted that the three apartment buildings would be constructed in the same style and materials as the existing apartments.

Ms. Mary Jane Russell, Director of Economic Development, added that the Department of Economic Development was in support of the petition.

Commissioner Flint asked about the sanitary detention pond and if there were any safety concerns for children who might be living in the area.

Mr. Allen explained that it was an equalization basin where Bedford County sewer transitioned into Lynchburg sewer, and flowed into an underground facility. He added that there would be no safety concerns.

Commission Hamilton asked who would provide emergency services and schools for the complex.

Mr. Allen answered that Bedford County would probably provide services and schools for the complex.

Mr. Martin committed that since the buildings would not be constructed across the boundary lines, he thought the City would provide 911 services and that the children would go to City schools.

After discussion, Commissioner Bacon made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

"That the Planning Commission recommends to City Council approval of B&A Properties' petition to amend the Future Land Use Map for property between Lakeside Drive, Enterprise Drive and Norfolk & Southern Railroad also known as Valuation Number 251-01-001 from Employment 2 to Medium Density Residential."

AYES:	Bacon, Dahlgren, Flint, Hamilton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes, Pulliam, Worthington	3

Commissioner Bacon made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to City Council approval of B&A Properties’ petition for a rezoning of I-2, Light Industrial District to R-4, Medium-High Density Multi-Family Residential District for property between Lakeside Drive, Enterprise Drive and Norfolk & Southern Railroad also known as Valuation Number 251-01-001 from Employment 2 to Medium Density Residential.”

AYES:	Bacon, Dahlgren, Flint, Hamilton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes, Pulliam, Worthington	3

HOMESTEAD GARDENS-PHASE 4

Off Enterprise Drive
Val. Map # 251-01-001
Rezoning Request from I-2 to R-4
Petitioner: B&A Properties, LLC

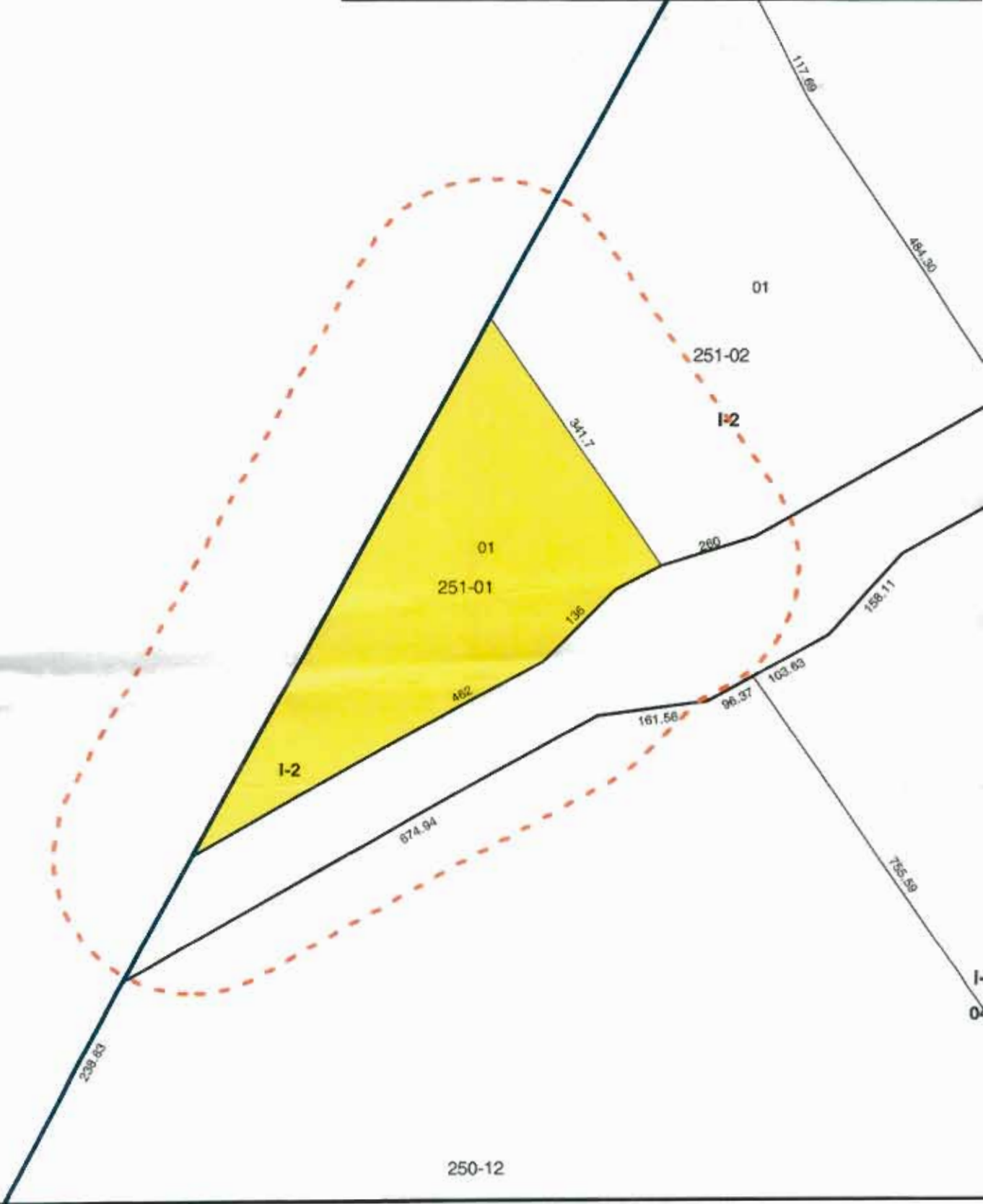
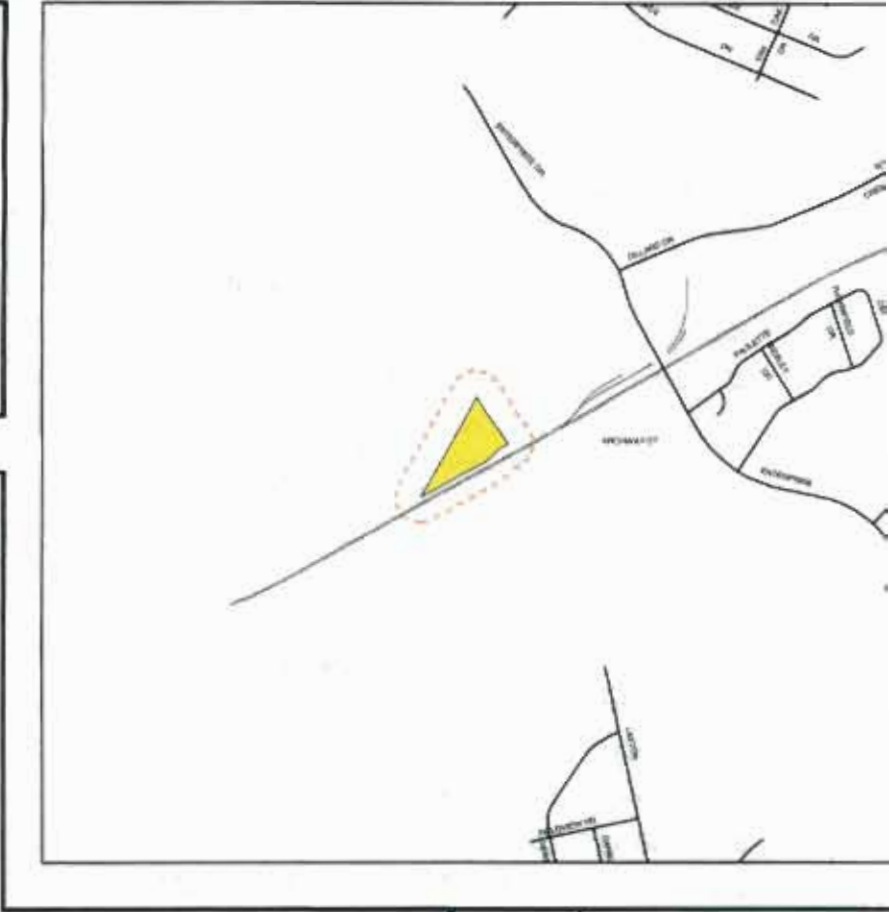
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

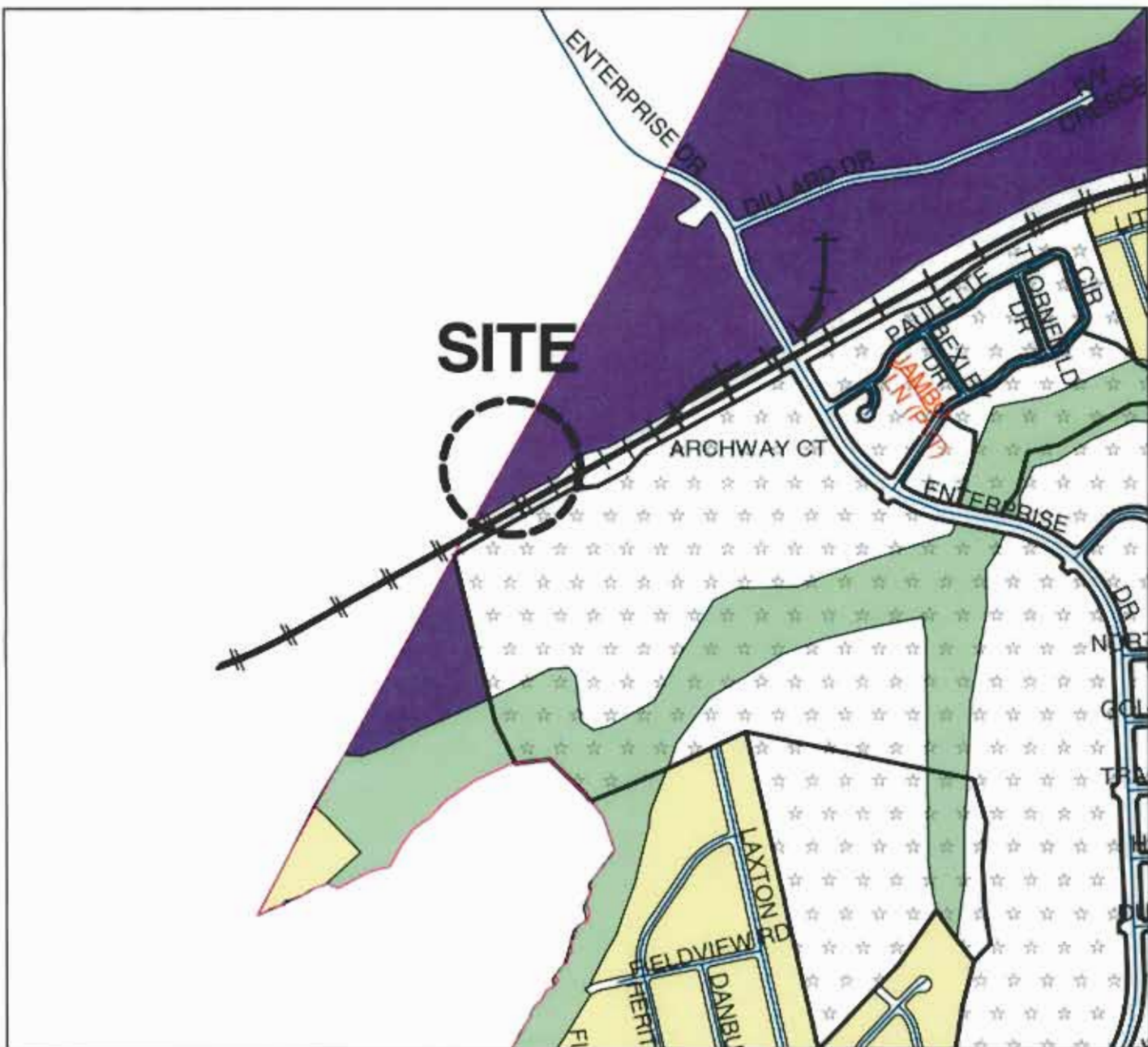


Subject Property



200 ft Radius





HOMESTEAD GARDENS PHASE 4 OFF ENTERPRISE DRIVE LAND USE PLAN

